

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DANIEL A. HELEVA,	:	CIVIL ACTION NO. 1:04-CV-1488
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
SANDRA KUNKLE, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 25th day of April, 2005, upon consideration of correspondence (Doc. 37) from the law office of Demetrius W. Fannick, Esquire, who is not a party to the above-captioned case, in which a secretary of Mr. Fannick's office states that a subpoena issued by this court on behalf of plaintiff was delivered to his office on April 20, 2005, and commands Mr. Fannick to produce certain legal materials on or before April 27, 2005, but that Mr. Fannick will be out of the country and unable to comply until April 28, 2005, and it appearing that plaintiff did not take "reasonable steps," including contacting Mr. Fannick's office prior to delivery of the subpoena, "to avoid imposing undue burden or expense" on Mr. Fannick, see FED. R. CIV. P. 45(c), it is hereby ORDERED that Mr. Fannick shall not be required to comply with, serve objections to, or move to modify or quash the

subpoena until May 4, 2005.¹ See id. (stating that the “court on behalf of which the subpoena was issued shall enforce th[e] duty” of a “party . . . responsible for the issuance . . . of a subpoena [to] take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena”). The Clerk of Court is directed to forward a copy of the order to the law office of Demetrius W. Fannick.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge

¹ The court express no opinion at this time on whether the subpoena was properly served or seeks discoverable information. See FED. R. CIV. P. 45(c). Nonetheless, the court notes that plaintiff, presently incarcerated and proceeding pro se and *in forma pauperis* (Doc. 8), apparently did not comply with the prior order of court (Doc. 35) instructing him to file the completed subpoena for the court’s review prior to service. See 28 U.S.C. § 1915(d).